

Debate stirs again on fairness of black judges

By Artelia C. Covington
Special to Sentinel-Voice

WASHINGTON (NNPA)—In a recent appearance before the National Urban League's annual convention in Pittsburgh, Democratic presidential candidate Dick Gephardt urged President Bush to re-nominate Missouri State Supreme Court Chief Justice Ronnie L. White to the federal bench.

The controversy around Bush's judicial appointments has raised questions about the type of people being appointed as judges. Surprisingly, some even question whether the appointment of a Black judge will necessarily result in a fairer criminal justice system.

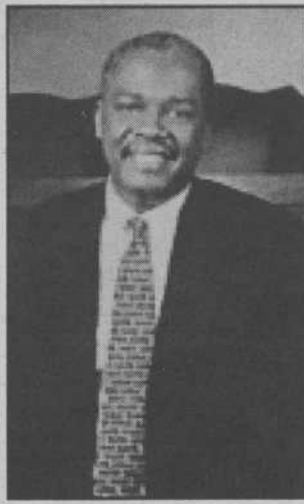
According to a report issued a year ago, Black judges are almost twice more likely to incarcerate Black offenders than White judges but tend to give them lighter sentences.

The study, completed by Darrell Steffensmeir, a professor of sociology and crime at Penn State University and Chester Britt, a law professor at Arizona State University, found that Black judges use their prior experiences with racism in their sentencing practices when sentencing both White and Black offenders.

President Clinton first nominated Justice White to the federal bench in 1997, but his nomination was defeated, despite approval by the Senate Judiciary Committee. John Ashcroft, then an U.S. senator from Missouri, led the efforts to block the Senate's approval of his nomination. Ashcroft argued that several of White's judicial opinions showed him to be soft on the death penalty. An analysis of White's voting record, however, showed that he was no more liberal than the judges Ashcroft had appointed to the bench when he was governor. Despite the setback, White on July 1 became the first African-American to become chief justice of the Missouri Supreme Court.

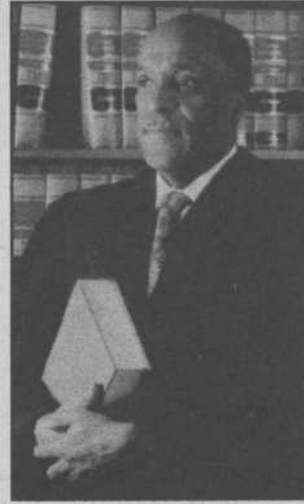
"We decided to do the study because I've long had an interest in the way our higher-echelon law enforcement officials do business and what the thinking was that motivated it," says Steffensmeir.

He and Britt compared the sentences of 10 Black male judges to those of 80 White male judges in several counties in Pennsylvania. Their analysis used data from 1991-



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Missouri State Supreme Court Chief Justice Ronnie L. White may again be nominated to the federal bench.



1994 to determine if a judge's race impacts the sentencing of criminal defendants.

Black judges also handed down prison terms that were about a month shorter on average than the ones handed down by White judges, according to the study, which has a 0.5 percent margin of error.

Steffensmeir says that the study found that these practices had to do with race and how these Black judges felt they were perceived by their White counterparts.

"A lot of these Black judges bring their own experiences with race to the table when they hand down convictions, and based on the study that we conducted, they might be stricter because they feel that they are looked at as 'tokens' rather than as advocates," he says.

Not so, says G.K. Butterfield, a North Carolina Supreme Court associate justice and an African-American.

"Based on what I read in the study, I cannot agree with the findings," says Butterfield. "For one thing, they limit the study to only Pennsylvania and they use old data. How am I supposed to gather from that if what they say is true?"

Butterfield was the first Black elected official in eastern North Carolina and served as an associate justice on the North Carolina Supreme Court for two years.

Like Butterfield, Nathaniel R. Jones, a retired judge from the U.S. Court of Appeals in Cincinnati, says he has doubts about the study's validity.

"I wasn't impressed at all with what I read and it certainly doesn't make me think that there was or could be a national trend to these findings," he says.

Cassia Spohn, a professor of criminal justice at the University of Nebraska at Omaha, says a study she con-

Some say black lesbian's killing ignored

NEWARK, N.J. (AP) - The night she was killed three months ago, 15-year-old Sakia Gunn and her lesbian friends had been hanging out in New York City's Greenwich Village, a place they knew they could find acceptance.

Their train ride home to Newark was all of 30 minutes, but residents in their working-class neighborhoods say in some ways, the two places are worlds apart.

While waiting there for a bus, the teenagers were approached by a man who tried to pick up some of the girls, and when they told him they were lesbians, he grabbed Sakia, witnesses said. The high school sophomore broke loose, but he lunged and stabbed her in the chest, the witnesses said. A suspect, Richard McCullough, 29, has pleaded innocent to murder.

About 2,500 people attended Sakia's funeral, an event that gay rights advocates said revealed the numbers and commitment of Newark's young gay and lesbian community. But people working for gay rights in this predominantly black community say they're handicapped by an especially strong anti-gay bias.

While friends put together a support group for young lesbians carrying Sakia's name, several students at West Side High School said Principal Fernand Williams refused their request for a moment of silence. School district spokeswoman Michelle Baldwin said she referred a request for interviews to Williams and other school officials, who did not respond.

Mayor Sharpe James attended Sakia's funeral, and her mother LaTona Gunn said he approached her there to pledge support for a community center aimed at gay and lesbian youth. But after three months they have yet to schedule a meeting, she said.

City officials declined to be interviewed.

Laquetta Nelson, who co-founded the Newark Pride Alliance after Sakia's death, faults the church in part for the attitudes she says led to the May 11 killing.

"Preaching hatred from the pulpit has contributed to the homophobia toward the gay and lesbian community," she said.

Religious groups, including the Black Ministers Council of New Jersey and the Archdiocese of Newark, either did not return calls or declined to comment.

Some in the gay community say Sakia's background as a black female from a working-class neighborhood also factors into how the nation reacted.

While outraged lesbians and gays held rallies in Newark and other East Coast cities, critics said Sakia's death didn't generate as much visible attention among main-

stream gay rights groups or media organizations as the killings of two other youths, Matthew Shepard in Wyoming in 2000 and Teena Brandon - the subject of the film "Boys Don't Cry" - in Nebraska in 1993.

"I was shocked at the lack of response, the lack of support," said Amy Goodman, host of "Democracy Now" news hour on New York's WBAI-FM.

The Gay City News, a New York City-based weekly newspaper focusing on the lesbian, gay, bisexual and transgendered - or LGBT - community, ran an editorial about the killing headlined, "Where is the Outrage?"

"I think there's racism in the LGBT community, and no doubt there's classism," said Mick Meenan, the paper's assistant editor, in an interview. "Whatever attitudes that occur within the community at large occur within the LGBT commu-

nity."

Calls to groups including the Lambda Legal Defense and Education Fund and the New Jersey Lesbian & Gay Coalition were not returned.

Her family and friends continue their own push to create more support for gay, lesbian and transgender teens.

LaTona Gunn has become something of a spokeswoman for the difficulties faced by youths like her daughter, who she said was always candid about her sexuality and realized it at an early age.

"She was 11," LaTona Gunn said. "She said, 'Mommy, I don't know if anything's wrong with me, but I don't like boys. I like girls.'"

Gunn said she won't worry if any of her three younger children come to her with the same revelation of homosexuality. "I would tell them the same thing I told Sakia," Gunn said. "Never be afraid of who you are."

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